

ONE LAP NEARER STATE'S PRISON

Greene and Gaynor Lose in
United States Circuit
Court of Appeals.

TWO CHANCES YET REMAIN
CASE HAS LASTED SEVEN YEARS
AND SIX MONTHS.

New Orleans, La., June 3.—The sentence of the Savannah court in the famous Greene and Gaynor case, involving over a half million dollars fraud in government contract work in the Savannah harbor, was affirmed today in an opinion handed down by the United States circuit court of appeals. The sentence is for four years' imprisonment each and a fine aggregating \$375,000.

Judges Shelby and McCormick rendered the opinion, and Judge Pardee dissented. Benjamin D. Greene and John F. Gaynor, the defendants, appealed on assignments of errors. Most interesting of these was the claim that their extradition from Canada, a case which went to the privy council of England before being finally tried, was illegal. They claimed they were extradited upon one offense and tried upon another. Upon this point the court says:

Ruling of the Court.
"It is not unusual nor would it be expedient or practicable for a warrant of extradition to describe the crime with all the fullness that would be required in an indictment. While extradition and indictment must be for the same criminal acts, it does not follow that the crime must have the same name in both countries."

The court held that the defendants were extradited for an offense for which they had been twice indicted. Replying to the contention that their offense was not extraditable under the treaty, the court held first that it was extraditable, and also that even if it was not, it was not on its face allow extradition for this offense, nevertheless the parties to this treaty could have taken action to make the instrument cover the offense and that such action would have applied to a previously committed offense.

On the ground that they were fugitives from justice, the court dismissed the defendants' plea for the benefit of the statute of limitations.

Dissenting Opinion.
Judge Pardee, in dissenting, went further even than upholding the plea of illegal extradition and that for the statute of limitations. He says, quoting from a court decision: "It is better that a person should escape altogether than that a judgment of conviction of an infamous crime should sustain where the record does not show clearly that there was valid trial."

He holds that the introducing of the accounts of the defendants as documentary evidence should not have been allowed, and that the charge of the trial judge was erroneous and in any ordinary case would require, if not absolutely require, a reversal.

After Long Years.
The first indictment in this case was found in Savannah in December, 1899, so that today's decision comes after seven years and nearly six months' continuous fighting against the government prosecution. Greene and Gaynor can now each apply for a rehearing or go to the United States supreme court on a writ of certiorari.

RATE LAW LITIGATION.
Meeting of State Officials May Be Held in St. Paul Shortly.

St. Paul, Minn., June 3.—A meeting of governors, attorneys general and other officials of states likely to be affected by the rate litigation now before the federal district court, may be held in St. Paul shortly. Attorney General Young is considering the advisability of sending out a general call.

The suits to enjoin putting the 2-cent fares and lower freight rates into effect are, Mr. Young says, nothing less than an attack on state's rights, important enough to warrant general cooperation, especially upon the part of states which have just passed rate regulating laws.

It means, he asserts, that if the railroads will not, other interests, interstate in nature, will invoke the aid of the same decision.

If you will make inquiry it will be a revelation to you how many succumb to kidney or bladder trouble in one form or another. If the patient is not beyond medical aid, Foley's Kidney Cure will cure. It never disappoints. F. J. Hill Drug Co., "The Never Substitutes."



A taste of the good old summer weather didn't feel at all uncomfortable to those who were wearing "Money Back" Shoes. Hundreds couldn't get waited on Saturday, the rush was so great. Get your "Money Back" summer shoes today or tomorrow and be comfortable. The choice of over 100 styles at \$3.50, not to be duplicated under \$5 elsewhere. The hand made grades at \$5 and up are only to be found in this store. Davis Shoe Co.

APPREHENSION IN JAPAN

Tokio Officials Fear Complications
Will Ensnare Over Recent San
Francisco Trouble.

Tokio, June 3.—Leading persons in and out of politics seem to have a feeling of apprehension regarding Japan's future relations with the United States. Actual hostility, however, is not thought of, but it is considered here that the peculiar position in which the federal government is placed in regard to state autonomy and the defiant attitude of the labor interests against Japan's treaty rights, as manifested in the second San Francisco incident, make politicians here uneasy.

Washington, June 3.—Surprise was expressed here upon reading the Tokio story of Japan dissatisfaction at the attitude of the United States in the race track San Francisco. Officials here can only conjecture that there has not been a publication in Japan of all of the official correspondence, which, it is believed, would favorably affect public opinion toward the United States.

San Francisco, June 3.—United States Attorney Devlin completed the taking of the testimony of eye-witnesses to the recent attack on Japanese restaurants of Polson street and the documents will be forwarded to Washington.

The local immigration officials have reported that several attempts have recently been made by Japanese to land here by misrepresentation in regard to the contract labor law, and Attorney Devlin is also investigating these cases.

ELKS' GREAT EXCURSION.

Will Swoop Down on Heber Augmented by a Large Park
City Contingent.

Park City, June 3.—The stores have agreed to close at noon tomorrow to enable all the clerks of town who want to go to accompany the Elks show to Heber. It is the intention of the local lodge to make tomorrow's trip an excursion day and it is expected that there will be a large contingent from Heber and spend the entire day in Heber. Provo was expected to run a special train up for the occasion, but the guarantee of \$10 was too much, and so they are not to see the show.

All the rigs of town have been chartered for the trip, and it is expected that there will be at least 500 people go over from here.

S. Raddon leaves today as a delegate to the Jamestown exposition for the state editorial association. He is also representative for lodge No. 734, B. P. O. Elks, and will go to Philadelphia before returning.

UTAH YOUTHS SEEM TO PREFER LAND TO SEA

Utah young men do not seem anxious to spend their lives on the deep blue sea, and the fact that they prefer land to water was amply demonstrated yesterday when only one applicant appeared to take the examinations for admittance to the Annapolis Naval academy. The youth was Bernard S. Egerton of Provo. He arrived too late for the physical examination, but took the mental tests in the afternoon. The appointment lists with Senator Reed Smoot.

INCOMING EXCURSIONS.

M. & M. Directors Will Bring Merchants to Salt Lake.

At least three and probably more "get acquainted" excursions will be run into Salt Lake this summer from different sections of the state under the auspices of the Merchants and Manufacturers' association here. This was the project broached at the regular meeting of the directors held last night at the Chamber of Commerce building.

The M. & M. men think it is time to begin bringing the merchants of the state to town and to get acquainted with the local jobbers and manufacturers and all efforts will be directed to this end from now on. The railroads will be approached on the subject at once.

EXAMINED IN DENTISTRY.

Ten would-be dentists began yesterday to take the examinations which, if passed, entitle them to practice in the mouths of Utah citizens. The examinations are being held under the direction of the state board of dental examiners, and will be concluded this evening. The board consists of Drs. A. C. Wherry, Stanley Clawson, E. A. Tripp, Harry Davis and W. G. Dalrymple.

HIS CONDITION SERIOUS.

Venerable John A. Kasson Falls and Fractures an Arm.

Washington, June 3.—John A. Kasson of Iowa, famous as a diplomat and lawyer, fell here to night and fractured his arm and after being carried to his home, was reported in a serious condition. He is 85 years of age. Mr. Kasson is the former special recipient commissioner of this government, former member of congress, former member of the American-Canada joint high commission and has held many other high offices and is a member of numerous clubs.

IOWA FIRM GETS CONTRACT.

(Special to The Herald.)
Washington, June 3.—Nine proposals were received at the office of the reclamation service for furnishing material and work for two sixty-foot span steel bridges for the Shoshone irrigation project, Wyoming. Bids of the New Jersey Foundry & Machine company of New York City for \$1,230 and the Des Moines Bridge & Iron Works, Des Moines, Ia., for \$1,370, were the lowest. After computing the cost of transportation it was found that the bid of the Iowa firm was the lowest, and Secretary Garfield accordingly awarded the contract to it.

SHOT BY HER HUSBAND.

Copenhagen, June 3.—Cecilia Krum Nathanson, the celebrated Danish actress, was shot and mortally wounded by her husband yesterday at the Hotel Alberg, Jutland. The husband, after shooting his wife, immediately committed suicide. Jealousy was the cause of the tragedy.

ODGEN AND RETURN

Via D. & R. G., June 5.
Special train leaves Salt Lake 6:30 p. m. Returning, leave Ogden 11 p. m. Big bike races at the Ogden saucer track.

Excursion North.

June 5, via Oregon Short Line. Greatly reduced rates to northern Utah and Idaho points. See agents for rates and further particulars. City Ticket Office, 201 Main street.

GREAT OODING FOR CHILDREN

Thousands of Pupils of City
Schools Will Go to Lagoon
for Field Day Friday.

More than 10,000 school children will go to Lagoon next Friday to enjoy an outing. The occasion will be the annual field day of the grade schools. Scores of athletic events will take place; the preliminaries for these events were held about two weeks ago, the successful ones being declared those entitled to enter for Friday's finals.

The Salt Lake & Ogden railroad has made the remarkably low rate of 10 cents for the round trip for school children only," said D. H. Christensen, superintendent of school, last evening. "Furthermore, President Bamberger has issued complimentary tickets to the principals and the teachers."

"I cannot say that all the arrangements for the excursion have been completed, but there is little doubt that the board will endorse our plans. We expect a larger crowd of school children than has ever been gathered together in one place in the history of the state. We have about 15,000 children in our schools, and I believe I am putting it at a low estimate to say that two-thirds of these will go."

"The teachers will accompany their charges, and every safeguard will be thrown about them to protect them from harm and from mishaps."

LOCAL BRIEFS

EXAMINERS MEET.—The state board of examiners met yesterday in the office of the governor and transacted routine business.

PAST NOBLE GRAND CLUB.—The Past Noble Grand club meeting will be held on Thursday, June 13, instead of this week as announced.

DEATH OF MRS. CONNOLLY.—Mrs. H. A. Connolly died Monday evening at her home, No. 257 West Fifth South street. The funeral announcement will be made later.

FUNERAL IN CIRCLE CITY.—The body of James Whitaker, who died in this city on June 1, will be shipped to Circle City, where he was formerly engaged in sheep raising. He leaves a widow, nine children and forty-two grandchildren.

LEAVES FOR EUROPE.—United States District Judge and Mrs. John A. Marshall left yesterday for a trip through Europe. Their immediate destination is Montreal, Quebec, where they will pass a week before going abroad. They will pass several weeks in Paris and in Weissenbad.

OGDEN CONSTRUCTION COMPANY.—The Ogden Construction company of Ogden filed articles of incorporation with the secretary of state yesterday. The capital stock is \$5,000. The officers are: R. F. Fleeman, president; G. C. Fleeman, vice president; Walter Kehler, secretary and treasurer.

SUSPECTS PLEAD NOT GUILTY.—Harry W. Williams and Frank Murphy, charged with robbing G. H. Foulds of a gold watch and \$5, pleaded not guilty yesterday forenoon in Judge Diehl's court. Their preliminary examination was fixed for June 10. In default of \$500 bail, they are in the custody of the sheriff.

KUROKI WILL NOT COME.—General Baron Kuroki, the famous Japanese warrior, will not visit Salt Lake City on his way homeward, as had been expected. General Kuroki will pass through the west by way of the Great Northern, and consequently will not visit any of the southern points.

SURVEYING CLASS BEGINS WORK.—The summer surveying class of the university that is now located at Eureka has begun its work yesterday. The class left a week ago and it has been spending the last few days in the examination of mines. The surveying party is under the direction of C. G. Andrews of the surveyor general's office.

TO RETURN TOMORROW.—Captain J. B. Burbridge is expected to return tomorrow from Denver with three prisoners arrested in connection with the Daynes robbery. Requisition papers reached Captain Burbridge yesterday, and were honored by Governor Buchtel. The men are charged with receiving stolen property, but an effort will be made to connect them with the actual commission of the robbery.

CHURCH TO BE BUILT.—The new African Methodist Episcopal church will be erected on Sixth South street between Second and Third East streets. The contract for the building of the church has been let to F. E. Fletcher and will be begun at once. The church is being constructed entirely through voluntary contributions. Rev. J. C. Bell, the pastor of the church, has requested that this public contribute only to authorized collectors.

IS BEATEN BY HIGHWAYMEN

Homer C. Edwards Assaulted by Robbers and Rendered Unconscious—\$60 and Gold Watch Taken.

Homer C. Edwards of 1719 South Main street was beaten and robbed by two highwaymen early this morning on First West street between First South and South Temple streets. The robbers took from their victim \$60 and a lady's gold watch.

Edwards was on his way down First West street, when he was approached by two of the men. One of the men struck him in the face with his fist, knocking him down, and the other kicked him in the abdomen. Edwards was rendered unconscious by the blows. When he revived half an hour later the men had disappeared and he discovered the loss of his money and watch.

The police were notified and Patrolman Carlson went with Edwards to look for the robbers. Before they had proceeded far Edwards fainted and had to be taken to his home in the patrol wagon. The men were not masked, but Edwards was not able to give the officers a good description of his assailants for the reason that it was extremely dark in the region where the hold-up occurred.

A private safe may be rented in the fire and burglar proof vaults of the Salt Lake Security & Trust Co. 32-34 Main street, \$3.50 per year and upward.

POSTOFFICE PROSPEROUS.

The May receipts at the Salt Lake postoffice showed the largest percentage of increase in the history of the office. The increase over the receipts of May, 1906, was \$5,588.74, or 30.5 per cent. The receipts for the past month were \$25,082, in comparison with \$19,213 for May, 1906. The postage stamps sold for the past month aggregated \$17,297, and for the corresponding month a year ago, \$15,075. Postal cards amounting to \$200 were sold during the month, while the receipts from this source during May, 1906, were \$450. The proceeds from the sale of stamped envelopes for May this year were \$655, and for the same month of last year, \$3,657.

Postmaster Arthur L. Thomas said that although the business handling the month of May this year was over 30 per cent larger than last year, there was an increase of but 2 per cent in the number of employees of the office.

Special Cablegram From Japan.

Tokio, Japan, May 24.—
Hewlett Bros. Co., Salt
Lake City, Utah:

Have purchased the
cream of the Japan tea
crop for our Three Crown
Teas.
FRANK J. HEWLETT.

Rock Island

Best Rates Of the Year

Round trip, Oct. 31st, Limit.
Liberal Stopovers, Diverse Routes,
One Far Plus \$2 for the Round Trip.

Chicago \$14.50
St. Louis 12.50
St. Paul 11.50
Minneapolis 11.50
Omaha 11.50
Kansas City 11.50

And all intermediate points.

Dates of sale: May 27, 30, June 3,
7, 12, 14.

Tickets must be purchased on above
dates, but need not be used until later.
Write, call, or phone and let us plan you
a pleasant trip back east. Sleeper reser-
vations made for any eastern connection.

Ours is the popular route because we
take pains in looking after the comfort
of our passengers from our office to your
destination.

J. G. DOOLITTLE, General Agent.
F. P. HARVEY,
H. L. YOUNGERMAN,
Traveling Passenger Agents.

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You can have a competent
advertising manager at small
expense by letting us do your
work. Others get results—so
can you.

GILES Advertising Bureau

Management of Advertising.
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INSIST ON HAVING ACME QUALITY PAINTS.

CULMERS

30 E. FIRST SOUTH

PRISONERS NOT FORGOTTEN

Message to Moyer, Haywood and Pet-
tibone From Executive Board
of the Federation.

Denver, June 3.—As a message of
good cheer to the imprisoned officers
of the Western Federation of Miners,
the following telegram was sent today
by the executive board of the organi-
zation, which met here today to pre-
pare for the annual convention which
will assemble in this city June 10:

"Messrs. Moyer, Haywood and Pet-
tibone, Boise, Ida.—The executive board,
now in session, sends greetings. Pledge
you our moral and financial support
and hope that you will soon be vin-
dicated and restored to liberty."

The board was engaged today in au-
diting the accounts of James Kirwan,
acting secretary-treasurer, in the en-
forced absence of William D. Haywood.
Much important business is to be
transacted at the coming convention.
It is highly probable that rules will be
incorporated calling for open sessions
of all unions in the future. Heretofore
the locals have held secret ses-
sions. Secretary Haywood has always
contended against the secret session.
The other officials and members of the
executive board are for the greater
part in favor of the new order of
things, and it is not thought there will
be any organized opposition, to the
open session rule.

SPECTACULAR SUICIDE.

Superior, Wis., June 3.—William
Waite, aged 45, a woodsman, committed
suicide in a spectacular manner at
Saunders last evening in the presence
of a crowd of people. Just before a
Great Northern train came along,
Waite knelt beside the track, placed
his neck upon the rail and hung on
until struck and decapitated.

NO COOKING!!

Just a little cream or good
milk and

Grape-Nuts

ARE READY.
Read "The Road to Wellville."
in packages.

"There's a Reason."

ESTABLISHED 1864

Thierbach & Bro.

ONE PRICE TO ALL NEVER UNDERSOLD

LOW SHOES AT LOW PRICES

These are the well-known Julia Marlowe Shoes for women, recognized by critical dressers everywhere as fulfilling every requirement of style, quality, workmanship and comfort.

This sale includes the famous Julia Marlowe Low Shoes for Ladies; comfort, fit and wear excelled by none.

Ladies' Vesting or Kid Oxfords, patent tip, military heels, all sizes, worth \$2.25; this sale—	Ladies' Kid Oxford, blucher cut, Cuban or military heels, patent tip, all sizes, worth \$2.75; this sale—
\$1.70	\$2.20
Ladies' Patent Welt Oxfords, blucher cut, extension sole, all sizes, worth \$4.00; this sale—	Ladies' Gore Front Patent Tip Oxfords, military heels, all sizes, worth \$2.75; this sale—
\$3.20	\$2.20

Dubei Cuts Price

GET YOUR NEW SUIT NOW

MY NEW STORE AND NEW STOCK IS NOW ON EXHIBITION. I HAVE THE FINEST LINES OF SPRING AND SUMMER CLOTHING IN THE CITY. I WANT TO PROVE THIS TO YOU, SO WILL MAKE A SPECIAL DISCOUNT ON ALL SUITS AND MEN'S FURNISHINGS THIS WEEK.

JOHN DUBEI
53 W. 2d St.

Boston. New York. Chicago.
San Francisco.
D. C. HEATH & COMPANY,
(Incorporated.)
Publishers of Text Books for
Schools and Colleges.
P. O. Box No. 28.
Portland, Oregon, May 18, '07.
Mr. Francis G. Luke,
Salt Lake City, Utah.
Dear Mr. Luke:—
I am in receipt of your favor of recent date with check for \$17.50 enclosed. A man who can collect money from C. E. Carman is a wonder, and it affords me much gratification to know that there is on earth one man who can make such dead beats toe the mark.
I will take pleasure in advising my friends to turn their debts over to you for collection.
Very truly yours,
L. J. PHEBUS.
Mr. Phebus don't know about those red streaks of honesty that exist in everybody. Carman lives in Chicago. Phebus travels out of Seattle. We collected this easily, and it was about eight years old.

Merchants' Protective Association

Scientific Collectors of Honest Debts.
Fifth Floor Commercial Block, Salt Lake City, Utah.
Francis G. Luke, Gen. Mgr.
"Some People Don't Like Us."

Sponge Sale

Sponges of every kind and size—Bath, Turkish, Mediterranean and for Bugger and Auto use. Livery men find better, tough, hard-wearing sponges here than any place in town. Chamois Skins and Feather Dusters in all sizes. Bath requisites of every description. Prices away down. Remember the number.

44 MAIN STREET.
Anstee-Brice Drug Co.

I was taught to do "1st-rate" work, and I will not depart therefrom.

WILL Guarantee

HAMLIN'S PAINTS WILL PAY.

Chat Barton System

Fine Clothing For Men and Young Men.

Good to look at—good to dress in. Ready-to-Wear. The better you know this clothing the better you will appreciate it—and the prices are not extravagant.

45-47 Main St., Clothiers to Men and Boys

SALT LAKE THEATRE

TONIGHT
Wednesday, Thursday, Friday,
Wednesday Matinee.
Charles Frohman Presents
MAUDE ADAMS
IN
PETER PAN
Prices—see to \$2.00. Some good seats left in First Balcony for Tonight. No phone orders taken.
Next Attraction: Saturday matinee and night, Rose Coghlan in "Mrs. Warren's Profession."

Orpheum Theatre.

TONIGHT
THE SUPERB ORPHEUM STOCK COMPANY
Presents the Masterpiece of Henry Arthur Jones
"The Dancing Girl."
A STRONG AND A MAGNIFICENT CAST.
Under the Management of Roy Clements.
Produced Under the Stage Production of David Miller.
Matinee Wednesday and Saturday.
At the Same Old Popular Prices.

Grand Theatre

A. M. COX, Manager.

TONIGHT
Matinee Wednesday, 2:30 p. m.
THE FRANKENFELD STOCK CO.,
Presenting
Hearts of the Blue Ridge
A story of the North Carolina hills.
Popular prices always.

Lyric Theatre

SULLIVAN-CONSIDINE, Props.

THIS WEEK
Albini, the Great Magician and Illusionist.
STROUD & THATCHER.
THE PENDLETONS.
JOE GOODWIN.
BESSIE ALLEN.
MOVING PICTURES.
Even: 2 shows, 7:30 and 9:15. Matinee daily except Sunday. Sunday eve, 3 shows, first at 7 p. m.

ELECTRIC THEATRE.

204 South State Street.
Afternoon and Evenings.
WEEK BEGINNING MONDAY, JUNE 3.
MOVING PICTURES.
1. A Detective's Trip Around the World.
2. A Horrible Adventure.
3. A Curious Dream.
4. From Cairo to the Pyramids.
5. Language of Flowers.
6. And the Villain Still Pursued Her.
ILLUSTRATED SONGS.
1. Take a Sail in My Boat.
2. I Can Not Forget You, Dear.
Admission, 10c; children, 5c.

SUNBURN AND TAN can be prevented by the use of

Ideal Toilet Cream

Plain or Benzoinated; a most delightful preparation. It should have a place in your summer toilet. 2c.

Halliday Drug Co.

Between Salt Lake and Orpheum Theatres.
Theatre Parties Meet Here.

Nothing of Questionable Value

We do not knowingly accept or offer for sale any article about which there is any doubt. Every piece of jewelry in our store is the greatest intrinsic value.

J. H. Knickerbocker, O. D.
Reliable Jeweler. 143 Main Street.

EXPERT SAFE & LOCK WORK
REPAIRING-BICYCLES & SUNDRIES

KEY FITTING

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273 SO. WEST TEMPLE
INDIAN PHONE 304-2 RINGS